

Atty. Dkt. No.: P70463US0
Serial No.: 10/529,555

REMARKS

Applicants have reviewed and carefully considered the Office Action of April 27, 2007.

Applicants have cancelled claims 1-10 and present new claims 11-23 to further clarify and define that which Applicants consider to be their invention. No new matter has been added by these amendments.

The Examiner objected to claim 4 because the term polyethylene glycol appeared in both lines 6 and 7. The objection is rendered moot with cancellation of claim 4.

Rejections under 35 U.S.C. §112

The Examiner rejected claim 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite. According to the Examiner, the term "PVP based copolymers" is not clear because the Examiner could not determine whether Applicants intended to claim copolymers of PVP.

Applicants respond that in new claim 16 (which corresponds to original claim 5) and the term "PVP based copolymers" has been replaced with "copolymers of polyvinyl

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pyrrolidone." This amendment is supported in the specification at page 14, lines 11-14. Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 1-10 as obvious over US Patent Application 2001/0044482 to Hu et al., in view of USP 5,844,016 to Sawhney et al. The Examiner asserts that Hu et al. disclose all of the elements of the claimed method, except for the use of a water soluble peroxydisulphate photoinitiator, which is disclosed by Sawhney et al. Therefore, according to the Examiner, it would have been *prima facie* obvious to one of ordinary skill in the art, at the time the invention was made, to combine the compositions of the Hu et al. and Sawhney et al. references, to arrive at Applicants' claimed invention. Applicants respectfully traverse this rejection.

In particular, the Examiner has failed to account for the following additional distinctions of Applicants' claimed invention over the cited art:

(1) Hu et al. do not teach or suggest the use of saturated hydrophilic polymers, which are specifically claimed by

Applicants in the present invention;

(2) Sawney et al. do not teach the use of peroxydisulphates as photoinitiators (as distinct from other peroxide initiators), which are also specifically claimed by Applicants in the present invention; and

(3) Neither Hu et al. nor Sawhney et al. teach that the peroxydisulphate cross-linking agents also act as a co-catalyst for the cross-linking reaction.

The burden is on the Examiner to establish a *prima facie* case of obviousness of the claimed subject matter over prior art references. In re Deuel, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995). Only after that burden is met must the applicant come forward with arguments or evidence in rebuttal. Id. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to Applicants' claimed invention, because the combination of Hu et al., in view of Sawhney et al. does not teach each and every element of the claimed invention. As

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such, Applicants' invention is not *prima facie* obvious, and Applicants respectfully request withdrawal of this rejection.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections, and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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By


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Date: August 27, 2007
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